

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

|                          |   |                   |
|--------------------------|---|-------------------|
| UNITED STATES OF AMERICA | ) |                   |
|                          | ) |                   |
| Plaintiff,               | ) | No. 5:01-CR-00012 |
|                          | ) |                   |
| v.                       | ) |                   |
|                          | ) |                   |
| DONALD FELL              | ) |                   |
|                          | ) |                   |
| Defendant.               | ) |                   |

**DONALD FELL'S NOTICE OF WAIVER AND WAIVER OF PERSONAL  
PRESENCE WITHIN THE MEANING OF FEDERAL RULE OF CRIMINAL  
PROCEDURE 43**

DONALD FELL respectfully submits this Notice of Waiver and waiver of his personal presence at every stage of the proceeding at which he is permitted to waive his presence under Federal Rules of Criminal Procedure, Rule 43(a) and (b) and (c).

The undersigned Donald Fell hereby acknowledges participation in prior proceedings in this matter; his current housing in a Federal Bureau of Prisons facility outside of the District of Vermont; his ongoing communications with his counsel; his awareness of the procedural posture of this case, existing Court orders; and his counsels' information and advice.

The undersigned Donald Fell hereby represents to this Court his knowledge that he has the right to be present at all stages of the proceedings, and that the law requires him to be present at certain proceedings, including his initial appearance, at every trial stage, and at sentencing, as provided in Rule 43(a). The undersigned Donald Fell hereby

acknowledges that he is also aware that his presence is not required when the proceeding “involves only a conference or a hearing on a question of law.” F.R.C.P. 43(b)(4). The undersigned is also aware that when a waiver of personal presence is entered, a court may complete proceedings as provided under F.R.C.P. 43(c)(2).

Donald Fell’s signature below hereby respectfully informs the Court that he is aware of his right to be present, and of his right to communicate with counsel during the course of courtroom proceedings at every stage of the proceeding. This waiver informs the Court that having the right to be present at all times in mind, Donald Fell hereby knowingly, intelligently, and voluntarily gives up that right and hereby represents to the Court that he is satisfied that his lawyers will represent him and his interests at any hearing or proceeding at which the Court excuses his presence under the provisions of Federal Rule of Criminal Procedure 43. Donald Fell’s signature below certifies tot his Court that this waiver is being entered at the request of Donald Fell. This waiver, its purposes and contents, have been discussed with Mr. Fell, and no one threatened the undersigned Donald Fell, or made any promises to him, to induce him to sign this waiver. This waiver form was provided to Donald Fell so that he could review it during his time of incarceration at MDC Brooklyn, New York.

Dated: 5-28-15

Respectfully Submitted,

  
\_\_\_\_\_  
DONALD FELL